

SW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,569	07/31/2000	Jeff Haber	31026-04910	4143

7590 01/05/2004

John R Carr
118 S Clark Drive
Los Angeles, CA 90048

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,569

Applicant(s) **SW**

HABER, JEFF

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are pending. The previous rejection is withdrawn pursuant to Applicant's Amendment and REMARKS.

Drawings

2. The drawing of Figure 6 was received on 06 October 2003. This drawing is acceptable.

Claim Rejections - 35 USC § 103

3. Claims 1-4, 9-11 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article titled "Mitsubishi Electric America Teams with CyberSource to Market and Deliver Multimedia Software Via the Web" (hereafter Mitsubishi) in view of Yeo et al., US 6,219,837.

Mitsubishi discloses providing a segment of video content in a first portion of a display, simultaneously providing a product image in a second portion of the display and directly accessing a web page via a hyperlink to simultaneously retrieve specific product information of the product or an option to complete on-line sales. Mitsubishi does not specifically disclose a plurality of products providing Internet traffic.

Yeo discloses a plurality of video images, e.g. 20,22, 24, placed in various portions of a display, e.g. 14.

To have provided a plurality of products for providing Internet traffic for Mitsubishi would have been obvious to one of ordinary skill in the art in view of Yeo. Doing such would provide a plurality of product choices for prospective customers. Likewise, the provision of additional hypertext links corresponding to additional portions of a display would have been obvious to one of ordinary skill in the art when viewing Mitsubishi in view of Yeo. Doing such would provide a construction of a multiplicity of hyperlinks that is known in the art.

Applicant's REMARKS have been reviewed. However, Applicant's Amendment and the new grounds of rejection render the REMARKS moot.

4. Claims 5-8 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article titled "Mitsubishi Electric America Teams with CyberSource to Market and Deliver Multimedia Software Via the Web" (hereafter Mitsubishi) in view of Yeo et al., US 6,219,837 and further in view of Jammes, US 6,484,149.

Jammes discloses one aspect of the common knowledge tracking of user activity. To have provided tracking of user activity for Mitsubishi in view of Yeo, would have been obvious to one of ordinary skill in the art in view of Jammes. Doing such would implement customer tracking to determine web site activity data useful for implementing on-line commerce.

Applicant's REMARKS have been reviewed. However, Applicant's Amendment and the new grounds of rejection render the REMARKS moot.

5. Further pertinent references of interest are noted on the attached PTO-892.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3627

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Andrew Joseph Rudy

Michael Cuff 12/29/03
MICHAEL CUFF
PRIMARY EXAMINER